

# EXHIBIT A

CASE 10-C-1762  
REBECCA MCCOMBS

KANAWHA  
vs. MICHAELS STORES, INC.,

PAGE 1

LINE	DATE	ACTION
1	10/04/10	# ISSUED SUM & 2 CPYS; F FEE; RCPT 464158; \$145.00; CASE INFO
2		# SHEET; COMPLAINT
3	02/11/11	# LET FR SS DTD 2/7/11; SUM W/RET (2/7/11 SS) AS TO MICHAELS
4		# STORES INC.,

Office of the Secretary of State  
Building 1 Suite 157-K  
1900 Kanawha Blvd E  
Charleston, WV 25305



9171 9237 9000 1000 3905 40

10-C-1762

FILE

2011 FEB 11

AM 10:10



KANAWHA CO. CIRCUIT COURT

Natalie E. Tennant

Secretary of State  
Telephone: 304-558-6000  
Toll Free: 866-SOS-VOTE  
www.wvsos.com

Cathy Gatson, Circuit Clerk  
Kanawha County Courthouse  
111 Court Street  
Charleston WV 25301-2500

ControlNumber: 308302  
Defendant: Michaels Stores, Inc.

Civil Action: 2/7/2011  
10-C-1762

I am enclosing:

<input type="checkbox"/> summons	<input type="checkbox"/> affidavit	<input checked="" type="checkbox"/> 1 summons and complaint
<input type="checkbox"/> notice	<input type="checkbox"/> answer	<input type="checkbox"/> summons returned from post office
<input type="checkbox"/> order	<input type="checkbox"/> cross-claim	<input type="checkbox"/> summons and amended complaint
<input type="checkbox"/> petition	<input type="checkbox"/> counterclaim	<input type="checkbox"/> 3rd party summons and complaint
<input type="checkbox"/> motion	<input type="checkbox"/> request	<input type="checkbox"/> no return from post office
<input type="checkbox"/> suggestions	<input type="checkbox"/> certified return receipt	<input type="checkbox"/> notice of mechanic's lien
<input type="checkbox"/> interrogatories	<input type="checkbox"/> request for production	<input type="checkbox"/> suggestee execution
<input type="checkbox"/> original	<input type="checkbox"/> request for admissions	<input type="checkbox"/> Other
<input type="checkbox"/> subpoena duces tecum		

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper. Please do not call the Secretary of State's office.*

Sincerely,

Natalie E. Tennant  
Secretary of State

5-C

**SUMMONS**

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

REBECCA MCCOMAS

Plaintiff,

v.

CIVIL ACTION NO. 10-C-1762

MICHAELS STORES, INC.

Defendant.

To: MICHAELS STORES, INC.  
Corporation Service Company  
209 West Washington St  
Charleston, WV 25302

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby Summoned and required to serve upon Paul Stroebel, plaintiff's attorney whose address is Stroebel & Johnson, P.L.L.C., Post Office Box 2582, Charleston, West Virginia 25329, an answer including any related counterclaim you may have to the complaint filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so,

judgment by default

you will

be thereafter barred

entered

by counterclaim

Dated 10-4

FILED  
2011 FEB 11 AM 10:56  
KANAWHA CO. CIRCUIT COURT  
2011 FEB -7 P. 3:46  
STATE OF WEST VIRGINIA  
11-00146-0001  
by 85+  
for 852  
10-4

*Lyles*

MEMORANDUM TO CLERK  
FOR INSTITUTING CIVIL ACTION

To the Clerk of the Circuit Court  
of KANAWHA County, West Virginia

REBECCA MCCOMAS,

Plaintiff,

vs.

CIVIL ACTION NO. 10-C- 17162  
(To be filled in by Clerk) Webster

Days to Answer

Type of Service  
(Personal, Publication or Auditor)

MICHAELS STORES, INC.

30

Secretary of State

Defendant.

Please issue summons in the above styled action as indicated.

Original and 3 copies of complaint furnished herewith.

Paul M. Stroebel, Esquire  
Stroebel & Johnson, P.L.L.C.  
P. O. Box 2582  
Charleston, WV 25329  
(304) 346-0197  
WV State Bar No. 5758

DO  
**FILED**  
2010 OCT -4 PM 2:57  
CATHY S. GUNN, CLERK  
KANAWHA COUNTY CIRCUIT COURT

1-2  
PYMT Type K  
Rcpt # 44458 \$145 \$135  
Iss. Sum. cc No Sum Iss  
CRt. to Atty. \$20cm X  
Mailed CM/RM \$5 clk X  
Mailed to sos w/ck#  
Sent to w/ck#

Plaintiff: REBECCA MCCOMAS	CASE NUMBER:
Defendants: MICHAELS STORES, INC.	10-C-

## II. TYPE OF CASE:

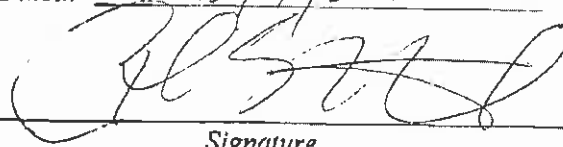
TORTS	OTHER CIVIL	
<input type="checkbox"/> Asbestos	<input type="checkbox"/> Adoption	<input type="checkbox"/> Appeal from Magistrate Court
<input type="checkbox"/> Professional Malpractice	<input type="checkbox"/> Contract	<input type="checkbox"/> Petition for Modification of Magistrate Sentence
<input checked="" type="checkbox"/> Personal Injury	<input type="checkbox"/> Real Property	<input type="checkbox"/> Miscellaneous Civil
<input type="checkbox"/> Product Liability	<input type="checkbox"/> Mental Health	<input type="checkbox"/> Other
<input type="checkbox"/> Other Tort	<input type="checkbox"/> Appeal of Administrative Agency	

III. JURY DEMAND: ☒ Yes ☐ NoCASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): 10 / 11IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE? ☐ Yes ☒ No  
IF YES, PLEASE SPECIFY:

- ☐ Wheelchair accessible hearing room and other facilities  
☐ Interpreter or other auxiliary aid for the hearing impaired  
☐ Reader or other auxiliary aid for the visually impaired  
☐ Spokesperson or other auxiliary aid for the speech impaired  
☐ Other: \_\_\_\_\_

Attorney Name: Paul M. Stroebel

Representing:

Firm: Stroebel & Johnson, P.L.L.C.☒ Plaintiff ☐ DefendantAddress: P. O. Box 2582, Charleston, WV 25329☐ Cross-Complainant ☐ Cross-DefendantTelephone: (304) 346-0197Dated: 10/4/2010


Signature

☐ Pro Se

FILED  
200 OCT -4 PM 2:57  
CLERK  
KANAWHA COUNTY CIRCUIT COURT

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

REBECCA MCCOMAS

Plaintiff,

v.

CIVIL ACTION NO. 10-C- 1762

MICHAELS STORES, INC.

Defendant.

COMPLAINT

Comes now the Plaintiff, Rebecca McComas, by counsel, Paul M. Stroebel and for her complaint, states as follows:

PARTIES

1. Plaintiff is and at all times was a resident of Kanawha County, West Virginia.
2. Defendant, Michaels Stores, Inc. (hereinafter "Michaels"), is a business authorized to do business in the State of West Virginia and at all relevant times herein was doing business in Kanawha County, West Virginia.
3. As a result of the foregoing, this Court has jurisdiction over all matters set forth herein.

COUNT I- NEGLIGENCE

4. On or about October 5, 2008, Plaintiff Rebecca McComas was shopping at the Michaels Store located in Charleston, West Virginia. While Mrs. McComas was shopping, 2 end caps containing glass and metal beads fell approximately 2 feet from the shelf, striking Mrs. McComas in the head.

5. The Defendant owned and controlled the shelf in question and was negligent and breached its duty of care and maintenance by allowing the shelf to be unsecured and/or become unsecured.

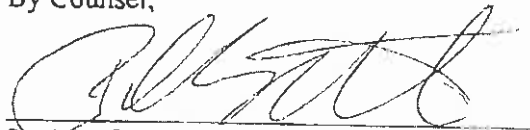
6. As a direct and proximate result of Defendant's negligent conduct, Plaintiff sustained serious injury to her head. Plaintiff has also incurred various damages, including medical bills, loss of enjoyment of life, pain and suffering, emotional distress, and annoyance and inconvenience.

7. Plaintiff affirmatively states that she is seeking monetary damages including fees, expenses and interest in an amount less than \$75,000.00 dollars. Plaintiff further states that she is making no claims under or pursuant to federal law.

WHEREFORE, Plaintiff respectfully requests that this Court enter an order granting judgment in favor of the Plaintiff and awarding Plaintiff compensatory, punitive and other such damages, including costs and attorneys' fees and other such relief as the Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY.

REBECCA MCCOMAS,  
By Counsel,



Paul M. Stroebel (WV Bar 5758)  
Stroebel & Johnson, P.L.L.C.  
Post Office Box 2582  
Charleston, West Virginia 25329